

Customer No.: 31561  
Application No.: 10/065,750  
Docket No.: 8711-US-PA

### REMARKS

#### Present Status of the Application

The Office Action mailed October 24, 2003 allowed claims 13-21, but rejected claims 1-6 and 8-12 and objected to claim 7. Specifically, claims 1-6 and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kluth et al. (US 6,376,341 B1) in view of Wolf et al. (Silicon Processing). Claims 8 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kluth et al. in view of Wolf et al. and further in view of Randolph et al. (US 6,538,270 B1). Claim 7 was objected to as being dependent upon a rejected base claim. In response thereto, Applicants have canceled claim 7 and amended independent claim 1. Reconsideration of claims 1-6 and 8-12 is respectfully requested.

#### Discussion of Rejections under 35 U.S.C. 103(a)

Claims 1-6 and 8-12 were rejected under 35 U.S.C. 103(a). Please note that Applicants have *incorporated the feature of claim 7 (the thickness of the protective layer is smaller than 50Å) into independent claim 1* and canceled claim 7.

It is confirmed that the above feature newly incorporated into independent claim 1 is not disclosed in the prior art, as admitted in the Office Action.

Moreover, Examiner have allowed claims 13-21 because of the feature, and stated that claim 7 would be allowable if rewritten in independent form including all of the limitations of

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the base claim (claim 1). Such a rewritten claim 7 would be completely the same as the amended claim 1 mentioned above.

For at least the reasons mentioned above, Applicants respectfully submit that amended independent claim 1 patently defines over the prior art.

For at least the same reasons mentioned above, Applicants respectfully submit that claims 2-6 and 8-12 dependent from independent claim 1 also patently define over the prior art.

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### CONCLUSION

For at least the forgoing reasons, it is believed that pending claims 1-6 and 8-12 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date:

*Jan 6, 2004*

Respectfully submitted

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